

# EXHIBIT 9

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MATTHEW RAYMOND,

Plaintiff,

-against-

TROY MITCHELL, Lieutenant at Auburn  
Correctional Facility, CHARLES THOMAS,  
Correction Officer at Auburn Correctional Facility,  
THOMAS HARTE, Sergeant at Auburn Correctional  
Facility, THOMAS PHILLIPS, Correction Officer at  
Auburn Correctional Facility, THOMAS GIANCOLA,  
Correction Officer at Auburn Correctional Facility,  
HAROLD D. GRAHAM, Former Superintendent of Auburn  
Correctional Facility, BRIAN BAUERSFELD, Correctional  
Hearing Officer of Auburn Correctional Facility,  
BRIAN O'HORA, Correction Officer at Auburn  
Correctional Facility, AIMEE HOPPINS, R.N.,  
Dr. DEBORAH GEER, and "JOHN DOE," Correction  
Officer at Auburn Correctional Facility,  
Defendants.

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DEPOSITION OF DR. ROBERT KNAPP  
Wednesday, April 13, 2022  
Held Remotely Via Zoom

Reported by:  
SUSAN HISLER

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April 13, 2022  
10:01 a.m.

Deposition of DR. ROBERT KNAPP, before  
Susan Hisler, a Shorthand Reporter and Notary  
Public within and for the State of New York.

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APPEARANCES:  
ON BEHALF OF PLAINTIFF,  
MATTHEW RAYMOND  
EMERY CELLI BRINCKERHOFF ABADY  
WARD & MAAZEL LLP  
600 Fifth Avenue, 10th Floor  
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ON BEHALF OF DEFENDANTS,  
TROY MITCHELL, CHARLES THOMAS, THOMAS HARTE,  
THOMAS PHILLIPS, THOMAS GIANCOLA, HAROLD D. GRAHAM,  
BRIAN BAUERSFELD, BRIAN O'HORA, and DR. DEBORAH GREER  
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ALSO PRESENT:  
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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties hereto that filing sealing and certification be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within examination may be signed and sworn to before any Notary Public with the same force and effect as though signed and sworn to before this Court.

1 Knapp

2 DR. R O B E R T K N A P P, having been first  
3 duly sworn by a Notary Public within and  
4 for the State of New York, was examined  
5 and testified under oath as follows:

6  
7 The attorneys participating in this deposition  
8 acknowledge that I am not physically  
9 present in the deposition room and that I  
10 will be reporting this deposition  
11 remotely. They further acknowledge that,  
12 in lieu of an oath administered in  
13 person, the witness will verbally declare  
14 his/her testimony in this matter under  
15 penalty of perjury. The parties and  
16 their counsel consent to this arrangement  
17 and waive any objections to this manner  
18 of reporting. Please indicate your  
19 agreement by stating your name and your  
20 agreement on the record.

21 MS. ROSENFELD: Katie  
22 Rosenfeld, I agree.

23 MS. ROBERTS: Diane Perri  
24 Roberts, I agree.

25

1 Knapp

2 EXAMINATION BY MS. ROSENFELD:

3 Q Good morning, Dr. Knapp. We  
4 met just for a minute off the record.

5 But I am Katie Rosenfeld, and  
6 I represent Mr. Raymond as the  
7 plaintiff in this case. We are here to  
8 conduct your deposition today.

9 Have you ever been deposed  
10 before?

11 A Once.

12 Q So you have a sort of general  
13 familiarity, but I will just briefly go  
14 over how we are going to proceed.

15 Obviously, I am going to ask  
16 you a series of questions. And you  
17 will do your best to answer my  
18 questions.

19 All of your testimony is  
20 under oath as though you were  
21 testifying in court.

22 Do you understand that?

23 A Yes.

24 Q If at any point you would  
25 like to take a break, please let me

1 Knapp

2 know and we can certainly do that.

3 I would just ask that before  
4 we break, you answer any pending  
5 question.

6 Is that acceptable to you?

7 A Yes.

8 Q If at any point you don't  
9 understand one of my questions, please  
10 tell me and I will try to rephrase it.

11 If at any point you don't  
12 hear me or you have any tech problems,  
13 please let me know.

14 Will you do that?

15 A Sure.

16 Q At the end of the deposition,  
17 the court reporter is going to create a  
18 transcript.

19 And you will receive a copy  
20 of it to review her errors, and to  
21 correct anything that was not recorded  
22 accurately.

23 Okay?

24 A Sure.

25 Q Dr. Knapp, are you licensed



1 Knapp

2 to practice medicine in New York State?

3 A Yes.

4 Q When were you first licensed?

5 A 1987.

6 Q Are you licensed to practice  
7 medicine in any other states?

8 A No.

9 Q Have you ever had your New  
10 York State medical license suspended?

11 A No.

12 Q Have you ever had your New  
13 York State medical license revoked, or  
14 been disciplined in New York State or  
15 any --

16 MS. ROSENFELD: Withdrawn.

17 Q Have you ever had your New  
18 York State medical license revoked for  
19 any period of time?

20 A No.

21 Q Are you board certified in  
22 any area of medicine?

23 A Yes.

24 Q Is that neurology?

25 A Yes.

1 Knapp

2 Q Are you board certified in  
3 any other areas of medicine?

4 A No.

5 Q And when did you first  
6 receive your board certification?

7 A I believe 1988.

8 Q And when was the last time  
9 that you were recertified as board  
10 certified?

11 A At the time of my  
12 certification, there was no  
13 recertification required.

14 Q So you were certified in  
15 1988, and that's the end of it?

16 A Correct, there was a  
17 grandfather clause.

18 Q Are you currently employed  
19 anywhere, Dr. Knapp?

20 A No.

21 Q When was the last time that  
22 you held a full time position of  
23 employment?

24 A 2020.

25 Q What was your position that

1 Knapp

2 you finished in 2020?

3 A As a treating neurologist.

4 Q Where were you employed?

5 A Ontario Neurology Associates.

6 Q And how long did you practice

7 at Ontario Neurology Associates?

8 A About 31 years.

9 Q Did you retire in 2020?

10 A Semi retired. I continue to  
11 practice clinical neurology in the  
12 country of Honduras approximately two  
13 months a year.

14 But other than that, not in  
15 the United States.

16 Q And was it your decision to  
17 leave Ontario Neurology Services?

18 A Associates, yes.

19 Q Associates.

20 Did you leave there because  
21 you were retiring?

22 A Yes.

23 Q You were employed there, you  
24 said for 31 years; is that correct?

25 A Yes.

1 Knapp

2 Q Have you ever been fired from  
3 any job?

4 A No.

5 Q Have you ever provided  
6 medical care in a correctional  
7 facility?

8 A Provided medical care, no.

9 Q Have you ever served as an  
10 expert witness in a case before this  
11 case?

12 A Yes.

13 Q How many times?

14 A As far as reviewing a case or  
15 testifying?

16 Q How many times have you  
17 reviewed a case as an expert?

18 A I don't know that for sure.  
19 I would guess three times a month, I  
20 review cases.

21 Q Okay, I don't want you to  
22 guess, so I will try and ask a more  
23 precise question.

24 So for example, in 2021, how  
25 many times approximately did you review

1 Knapp

2 a case as an expert?

3 A Well, again, approximately  
4 30, I would say.

5 Q And is that, is that rate of  
6 review approximately 30 cases a year,  
7 how long have you had that rate of  
8 review?

9 A For 10 years.

10 Q So is it correct to say that  
11 for the past 10 years, you have  
12 reviewed approximately 30 cases as an  
13 expert per year?

14 A Yes.

15 Q And can you just explain what  
16 you mean when you said that you had  
17 reviewed the case?

18 A Meaning I have either  
19 reviewed medical records and offered  
20 advice concerning a liability case  
21 and/or examined the person.

22 Q And in some of those cases,  
23 did you also provide a written report?

24 A Yes.

25 Q So for the approximately 30

1 Knapp

2 cases that you have done per year for  
3 the last 10 years, some of them involve  
4 only a record reviewed, some might  
5 involve a report, some might involve  
6 examining the patient.

7 Is that correct?

8 A Yes.

9 Q When did you first start  
10 serving as an expert in litigation?

11 A Approximately 10 years ago.

12 Q And so we are in 2022.

13 Is it correct that it was  
14 approximately 2012?

15 A I would say so, yes.

16 Q Have you ever served as an  
17 expert in a case involving somebody who  
18 alleges they were injured in the  
19 Department of Corrections, New York  
20 State Department of Corrections  
21 custody?

22 A Yes.

23 Q How many times have you done  
24 that approximately?

25 A I believe three times.

1 Knapp

2 Q And when was the last time  
3 that you served as an expert in a case  
4 involving a Department of Corrections  
5 incident?

6 A Last year.

7 Q And what were the general  
8 facts of that case?

9 A The general facts of that one  
10 were, let me see. This was a traumatic  
11 brain injury. No, actually that was  
12 not.

13 There was an allegation of a  
14 head injury in a correctional facility.

15 Q And did you offer a written  
16 report in that case?

17 A Yes.

18 Q And did you offer testimony  
19 in that case?

20 A Yes.

21 Q What was the name of that  
22 case?

23 A The name of that case was  
24 Harriger.

25 Q Do you know what court that

1 Knapp

2 case is pending in?

3 A That was the, it was in  
4 Rochester, New York, the Court of  
5 Claims.

6 Q So you gave a deposition in  
7 that case; is that correct?

8 A No, I gave a testimony.

9 Q At trial?

10 A Yes.

11 Q And what was the outcome in  
12 that case, if you know?

13 A I did not get anything back.

14 Q And who retained you in that  
15 case?

16 A That was a New York State  
17 attorney general.

18 Q And what were the general  
19 facts of that case?

20 A A allegation of head injuries  
21 in a correctional facility.

22 Q And do you, as you sit here  
23 today, can you recall if the allegation  
24 was that the person was struck in the  
25 head by a correction officer, or was



1 Knapp

2 the mechanism of injury something else?

3 A It was an alleged assault,  
4 yes.

5 Q Dr. Knapp, I notice that you  
6 were referring to some notes, which is  
7 fine.

8 But just so we are clear, can  
9 you tell me what you are referring to?

10 A The report that I generated  
11 on behalf of this case.

12 Q And does that report list  
13 your prior testimony?

14 A Yes.

15 Q Sorry, I don't think I have  
16 that. I see, okay. So that's Harriger  
17 versus New York State.

18 And then you list Quick  
19 versus New York State?

20 A Yes.

21 Q Did you testify in that case  
22 in a deposition?

23 A No, that was the testimony.

24 Q Oh, it was at trial also?

25 A Yes.

1 Knapp

2 Q And was that also in the  
3 Court of Claims?

4 A Yes.

5 Q And what was the outcome in  
6 that case, if you know?

7 A I do not.

8 Q Was that allegation where  
9 somebody alleged that they had a  
10 traumatic brain injury due to an  
11 assault?

12 A No.

13 Q What was the general  
14 allegation in that case?

15 A I believe that was some form  
16 of an injury to the spine.

17 Q Was it caused in the context  
18 of an assault?

19 A No.

20 Q And were you retained by the  
21 New York State attorney general in the  
22 Quick case?

23 A Yes.

24 Q And in the case of the Dallas  
25 versus New York State, was that also a

1 Knapp

2 case where you were retained by the New  
3 York State attorney general?

4 A Yes.

5 Q And did you testify in the  
6 Court of Claims?

7 A Yes.

8 Q Did you testify at trial in  
9 the Court of Claims?

10 A That was a trial, yes.

11 Q So I think I asked you this  
12 for Harriger, but not for the other  
13 two.

14 Did you provide a written  
15 report in the Quick or the Dallas case?

16 A Yes.

17 Q Was the Dallas case also  
18 about TBI?

19 A No, not as I recall.

20 Q What was it about?

21 A I believe that it was a spine  
22 injury as well.

23 Q With it a spine injury due to  
24 an assault by another person?

25 A I don't recall.

1 Knapp

2 Q And for the Weaver versus New  
3 York State case, I don't think we  
4 talked about that. That is the first  
5 one you listed.

6 Is that another case where  
7 you were retained by the New York State  
8 attorney general in a Court of Claims  
9 matter?

10 A Yes.

11 Q And did you testify at a  
12 trial in that case?

13 A Yes.

14 Q And was that a case involving  
15 an allegation that an incarcerated  
16 person had been injured in an assault?

17 A No.

18 Q Do you know what the  
19 allegations in that case were?

20 A That was the case of a  
21 injured worker who injured himself on  
22 state property, as I recall.

23 Q And what about the Rekic  
24 versus Castellano case that you list,  
25 what court was that case in?

1 Knapp

2 A That would have been the  
3 Supreme Court in the county of Oneida,  
4 I believe. I believe the county was  
5 Oneida.

6 Q And what was your role in  
7 that case?

8 A I testified as to the  
9 injuries sustained by the plaintiff  
10 relative to a car accident with what I  
11 recall to be a state vehicle.

12 Q And were you retained by the  
13 defense or by the plaintiff?

14 A By the defense.

15 Q So in all the cases that are  
16 listed in this paragraph where you  
17 provided expert testimony in the last  
18 four years, you were retained by the  
19 defense; is that correct?

20 A On those cases, yes.

21 Q Other than the cases that are  
22 listed here, have you been retained by  
23 the New York State attorney general to  
24 testify on behalf of docks or docks  
25 employees in other cases?

1 Knapp

2 A I don't recall.

3 Q Have you ever been qualified  
4 as an expert witness in a federal  
5 court?

6 A I do not recall.

7 Q Have you ever been found not  
8 qualified as an expert witness by any  
9 court?

10 A Not that I am aware of.

11 Q Are you the author of any  
12 publications that are not listed on  
13 your CV?

14 A No.

15 Q Do you have any felony  
16 convictions?

17 A No.

18 Q Have you ever been sanctioned  
19 by a medical ethics board?

20 A No.

21 Q Have you ever been  
22 investigated by a medical ethics board?

23 A No.

24 Q Have you ever been sued for  
25 malpractice?

1 Knapp

2 A Yes.

3 Q How many times?

4 A Twice.

5 Q When was the first time that  
6 you were sued for medical malpractice?

7 A I believe approximately 2014.

8 Q And when was the second time?

9 A 2017.

10 Q So with respect to the first  
11 case, is that case resolved now to your  
12 knowledge?

13 A Yes.

14 Q How did the case resolve?

15 A Settlement.

16 Q What were the allegations of  
17 the plaintiff?

18 A I was part of a multiple  
19 physician lawsuit. My participation  
20 was a phone call with an ER physician.

21 Q And what was the allegation  
22 about having the --

23 MS. ROSENFELD: Withdrawn.

24 Q What was the plaintiff's  
25 allegation about your conduct with

1 Knapp

2 respect to that phone call?

3 MS. ROBERTS: Objection to  
4 form.

5 A Apparently, it was an  
6 allegation that I didn't offer proper  
7 advice.

8 Q What court was this case in?

9 A That would have been the  
10 county of Ontario.

11 Q Did that case settle before  
12 trial?

13 A Yes.

14 Q Do you know what the amount  
15 of the settlement was?

16 A I don't recall.

17 MS. ROBERTS: Hang on, Dr.  
18 Knapp.

19 I just want to object to  
20 that, because I think it is  
21 irrelevant, and it potentially  
22 could breach provisions.

23 I don't know what the terms  
24 of that settlement were.

25 And if there is any



1 Knapp

2 confidentiality provisions, I  
3 don't want him potentially  
4 breaching any type of agreement.

5 Q Do you know the name of that  
6 case?

7 A No, I don't remember.

8 Q Did you have a lawyer in that  
9 case?

10 A Yes.

11 Q Who was your attorney?

12 A Last name Tubiolo,  
13 T-U-B-I-O-L-O.

14 Q And did Attorney Tubiolo  
15 represent the other physicians who were  
16 also named in the case?

17 A No.

18 Q They had their own counsel;  
19 is that correct?

20 A Correct.

21 Q Did you personally have to  
22 pay any money as part of the resolution  
23 in that case?

24 A No.

25 Q And for the 2017 case, is

1 Knapp

2 that case resolved?

3 A Yes.

4 Q And do you know what the  
5 outcome of that case was?

6 A It was a settlement.

7 Q Did you personally have to  
8 pay any money towards that settlement?

9 A No.

10 Q Were you also represented by  
11 Attorney Tubiolo?

12 A Yes.

13 Q What were the allegations in  
14 that case against you?

15 A Failure to diagnose a disease  
16 called Wilson's disease.

17 Q Which court was that case in?

18 A It was the county of Ontario  
19 or Monroe. I am not certain.

20 Q And do you know how much  
21 money the plaintiff received in the  
22 settlement of that case?

23 A I don't remember.

24 Q Did you have to provide  
25 deposition testimony in either of those

1 Knapp

2 cases as a defendant?

3 A No. Excuse me, the first I  
4 did.

5 Q So is that the one deposition  
6 that you mentioned at the beginning of  
7 this deposition?

8 A Yes.

9 Q So in the first case that was  
10 not in 2014, you did provide a  
11 deposition?

12 A Correct.

13 Q What is Wilson's disease?

14 A It is a disease of copper  
15 accumulation of the brain that mimics  
16 Parkinson's disease.

17 Q How much compensation have  
18 you received to date in this case?

19 A \$1,800.

20 Q And your rates for expert  
21 work are set forth in your opinion.

22 Actually, they are not --

23 MS. ROSENFELD: Withdrawn.

24 Q But you will be paid \$500 --  
25 is that your current rate?

1 Knapp

2 A Yes.

3 Q Is that your rate for all of  
4 the cases that you work on?

5 A Yes.

6 Q So the approximately 30 cases  
7 a year, you received \$1,800 for the  
8 review, and then \$500 an hour for  
9 testimony; is that right?

10 A Correct.

11 Q Where is Attorney Tubiolo's  
12 office?

13 A Rochester, New York.

14 Q And is Attorney Tubiolo a  
15 member of a law firm?

16 A I believe he is a partner in  
17 his own law firm.

18 Q Thank you, Dr. Knapp.

19 Let's turn to Mr. Raymond,  
20 the plaintiff in this case.

21 Did you examine Matthew  
22 Raymond at any point before you offered  
23 your expert opinion?

24 A No.

25 Q And what documents did you

1 Knapp  
2 review to prepare for your deposition  
3 today?

4 A I listed them in my report.  
5 I can go through them with you.

6 I reviewed medical records  
7 from Auburn Hospital, Department of  
8 Corrections, Arnot Medical Center.

9 Q Dr. Knapp, I don't mean to  
10 interrupt you, but just to save the  
11 court reporter, I'm looking at page 1  
12 of your report, which we can mark as  
13 Knapp 1 for this deposition, your  
14 report dated October 7, 2021.

15 Do you have that in front of  
16 you?

17 A I do.

18 Q And so I am looking at the  
19 first paragraph where you list a number  
20 of records that you reviewed to prepare  
21 the report.

22 Are those the records that  
23 you reviewed to prepare for your  
24 deposition today?

25 A Yes.

1 Knapp

2 Q Are there any records that  
3 you reviewed to prepare for your  
4 deposition today that are not listed in  
5 this document, Knapp 1?

6 A The only other document that  
7 is not listed there is the report of  
8 Dr. Leitch.

9 Q That is L-E-I-T-C-H?

10 A Correct.

11 Q Did you review the expert  
12 report of Dr. Valvo or Dr. Bapnek?

13 A I do not recall those, no.

14 Q Dr. Valvo and Dr. Bapneck are  
15 respectively defendants and plaintiffs  
16 urologist experts in this case.

17 Your best recollection is  
18 that you did not review those two  
19 reports?

20 A Correct.

21 Q Other than Dr. Leitch's  
22 report, are there any other documents  
23 that you reviewed that are not listed  
24 in Knapp Exhibit 1, paragraph 1?

25 A I don't believe so.

1 Knapp

2 Q Dr. Knapp, is it your opinion  
3 that Matthew Raymond has or ever had  
4 neurogenic bladder?

5 A The medical records state  
6 that he does.

7 Q And do you agree with that  
8 diagnosis?

9 A Yes.

10 Q And so your opinion is that  
11 as of today, Mr. Raymond suffers from  
12 neurogenic bladder?

13 A Yes.

14 Q Based on your review of this  
15 case, when did Mr. Raymond first  
16 exhibit symptoms of neurogenic bladder?

17 A My records indicate that it  
18 was approximately six months after the  
19 alleged injury.

20 Q And when we are talking about  
21 the injury today, we are talking about  
22 the September 14, 2016 incident; is  
23 that correct?

24 A Yes.

25 Q And so your review of the

1 Knapp

2 records suggests that Mr. Raymond first  
3 exhibited symptoms of neurogenic  
4 bladder approximately six months after  
5 the September 14, 2016 incident?

6 A Yes.

7 Q So approximately March 2017?

8 A Approximately.

9 Q Prior to September 14, 2016,  
10 did Mr. Raymond have neurogenic  
11 bladder?

12 A Not to my knowledge.

13 Q Can you just describe for us  
14 what neurogenic bladder is?

15 A Well, there's two types of  
16 neurogenic bladder.

17 There is neurogenic bladder  
18 that is associated with spinal cord  
19 injury or brain injury that consists of  
20 a small, what we call a spastic  
21 bladder, a very small bladder that  
22 releases urine very quickly, even with  
23 a small volume in that bladder.

24 The other kind of neurogenic  
25 bladder is caused by injuries to the



1 Knapp

2 lower spine, and is characterized by a  
3 very large floppy bladder associated  
4 with leakage.

5 The kind of neurogenic  
6 bladder in this case is the former that  
7 is associated with brain or spinal cord  
8 injuries.

9 Q In your opinion, what is the  
10 cause of Mr. Raymond's neurogenic  
11 bladder?

12 A I do not know. I have not  
13 examined him or taken a history from  
14 him.

15 It is my testimony that it is  
16 not related to a brain injury or a  
17 spinal cord injury.

18 Q So I asked you what the cause  
19 of his neurogenic bladder is.

20 And your testimony, you first  
21 said that you didn't know what caused  
22 it, because you hadn't -- well, I don't  
23 want to put words in your mouth.

24 Why don't you know the cause  
25 of the neurogenic bladder based on the

1 Knapp

2 review of the records that you made  
3 today?

4 A Because I -- a diagnosis is  
5 often made by a proper history.

6 I would not feel comfortable  
7 answering the question as to what the  
8 cause is until I had properly evaluated  
9 him.

10 Q Did you ask to examine Mr.  
11 Raymond before you made your, gave your  
12 opinion in this case?

13 A No.

14 Q So your opinion in this case  
15 is that you don't know the cause of the  
16 neurogenic bladder, but you do know  
17 that it's not related to a brain or  
18 spinal cord injury; is that correct?

19 A That is correct.

20 Q So how is it that you are not  
21 able to say what the cause is, but you  
22 are able to rule out a cause?

23 A Because I have not conducted  
24 a proper history or examination on him  
25 myself.

1 Knapp

2 Q Understood.

3 Without conducting that  
4 proper history examination, how are you  
5 able to rule out the traumatic brain  
6 injury as the cause of the neurogenic  
7 bladder?

8 A Because the medical records  
9 do not demonstrate any imaging that  
10 reveals those findings that potentially  
11 could cause a neurogenic bladder.

12 And number two, the  
13 examination findings that would be  
14 required in the setting of a brain or  
15 spinal cord injury are absent in  
16 Mr. Raymond as documented by multiple  
17 examiners.

18 Q Is it your opinion based on  
19 your medical expertise that traumatic  
20 brain injury can cause neurogenic  
21 bladder?

22 A It can, yes.

23 Q And your opinion in this case  
24 is that Mr. Raymond did not suffer from  
25 a traumatic brain injury?

1 Knapp

2 Am I understanding your  
3 testimony?

4 A You are misunderstanding. I  
5 have no knowledge whether he sustained  
6 a traumatic brain injury at the hands  
7 of the correctional officers.

8 Q So you don't know if he  
9 sustained a traumatic brain injury; is  
10 that right?

11 A Right.

12 Q And you have no opinion as to  
13 whether the September 14, 2016 incident  
14 caused him to suffer a traumatic brain  
15 injury; is that correct?

16 A Yes.

17 Q But it is your opinion that  
18 he doesn't suffer from neurogenic  
19 bladder caused by traumatic brain  
20 injury; is that correct?

21 A For the reasons I have cited,  
22 yes.

23 Q And so with respect to the  
24 question, you gave two reasons, right.

25 One was that the medical

1 Knapp

2 records don't demonstrate by looking at  
3 the imaging what you would expect to  
4 see for somebody who had TBI caused  
5 neurogenic bladder.

6 Am I understanding that  
7 right?

8 A Yes.

9 Q And what specifically is it  
10 about the imaging that you believe  
11 rules out TBI as a cause of neurogenic  
12 bladder in this case?

13 A In order to have bladder or  
14 bowel abnormalities, the area of the  
15 brain that needs to be impaired, if you  
16 will, does not show any abnormalities  
17 by these images.

18 Q And which area of the brain  
19 is that, Dr. Knapp?

20 A That would be in the  
21 interhemispheric fissure or  
22 hydrocephalus.

23 Those are the findings that  
24 would be associated with bladder  
25 dysfunction.

1 Knapp

2 Q What is interhemispheric  
3 fissure?

4 A There are two hemispheres,  
5 two sides of the brain. And the line  
6 down the middle that defines the two is  
7 that interhemispheric fissure.

8 Q And you would expect to see  
9 on imaging -- what would you expect to  
10 see --

11 MS. ROSENFELD: Withdrawn.

12 Q What would you expect to see  
13 on imaging with respect to the  
14 interhemispheric fissure if we were  
15 dealing with TBI induced neurogenic  
16 bladder?

17 A Well, first of all, TBI does  
18 not cause abnormalities in that region.  
19 So it really wouldn't be expected in  
20 the setting of TBI.

21 Q Is it your view that the  
22 imaging studies don't show an injury to  
23 the brain that you would expect to see  
24 in someone who had neurogenic bladder?

25 A He has an abnormal MRI of the

1 Knapp

2 brain, which is nonspecific.

3 It is consistent with many  
4 different possibilities, including  
5 traumatic brain injury.

6 However, the imaged findings  
7 are not consistent with the  
8 localization of the brain that would  
9 cause a neurogenic bladder

10 Q And the part of the imaging  
11 findings that you think are not  
12 consistent with the neurogenic bladder  
13 are the lack of damage to the  
14 interhemispheric fissure?

15 A And the absence of  
16 hydrocephalus.

17 Q What imaging are you  
18 referring to, Dr. Knapp, just to orient  
19 our discussion?

20 A So he had an MRI of the  
21 brain. I can look up the date for you.

22 Q Sure.

23 Are you looking at, just for  
24 the record, are you looking at your  
25 report, Knapp 1?

1 Knapp

2 A I am, yes. He had an MRI of  
3 the brain on 1/28/14, and --

4 Q I am sorry, Dr. Knapp. I  
5 just want to get to the same page that  
6 you are on.

7 Which page of your report are  
8 you on, please?

9 A Page 4. And he also had CT  
10 scans of the brain performed in January  
11 of 2019.

12 Q And what page of the report  
13 are you on now?

14 A Page 3.

15 Q So you started by saying that  
16 he had imaging on January 28, 2014; is  
17 that correct?

18 A Yes.

19 Q So that imaging was before  
20 the January --

21 MS. ROSENFELD: Oh, excuse  
22 me, withdrawn.

23 Q That imaging was before the  
24 September 14, 2016 incident, right?

25 A Correct.



1 Knapp

2 Q And did that imaging show any  
3 evidence of changes to the brain that  
4 you would expect to see with somebody  
5 with neurogenic bladder?

6 A No.

7 Q What did that MRI in 2014  
8 show?

9 A It showed white matter  
10 changes in the deep aspects of the  
11 brain, both sides.

12 Q And in your report, you say  
13 those are consistent with trauma,  
14 inflammation, vasculitis or  
15 demyelinating disease; is that right?

16 A Correct, yes.

17 Q And those, that imaging is  
18 consistent with any of those  
19 possibilities?

20 A Yes, but less so trauma.  
21 Trauma typically does not cause those  
22 findings.

23 Q What's a demyelinating  
24 disease?

25 A Multiple sclerosis.

1 Knapp

2 Q And what's vasculitis?

3 A Inflammation of blood  
4 vessels.

5 Q So -- and then the next  
6 imaging that you pointed to was when?

7 A A CAT scan at Kenmore,  
8 page -- oh, I'm sorry, ECM Erie County  
9 Medical Center.

10 Q Which page are you on? Is  
11 this on page 3?

12 A Page 3, yes, second from the  
13 bottom paragraph.

14 Q Thank you.

15 And that is the imaging from  
16 January 2019?

17 A Yes.

18 Q And in your report, you say  
19 that the CAT scan of the brain was  
20 performed, and was unremarkable for  
21 acute pathology, right?

22 A Yes.

23 Q And so does that mean that  
24 there was no evidence of any damage to  
25 the brain that you thought was

1 Knapp

2 consistent with the neurogenic bladder  
3 diagnosis?

4 A That means that there wasn't  
5 anything acute. In other words, that  
6 it recently happened.

7 Q I see.

8 But did something that you  
9 saw in the 2019 CAT scan lead you to  
10 conclude that Mr. Raymond didn't have a  
11 neurogenic bladder caused by a TBI?

12 A There were no findings by  
13 that CAT scan that would have been  
14 consistent with that diagnosis.

15 Q And so you had mentioned  
16 earlier about the interhemispheric  
17 fissure and hydrocephalus.

18 Would you have expected to  
19 see those two findings on the 2019 CAT  
20 scan if Mr. Raymond had neurogenic  
21 bladder?

22 A They would have been expected  
23 if the basis for his neurogenic bladder  
24 was a brain problem.

25 Q So thank you for bearing with

1 Knapp

2 me.

3 A Sure.

4 Q So you looked at the report  
5 of the CAT scan, and you concluded that  
6 because it was unremarkable and lacked  
7 any findings of the interhemispheric  
8 fissure or hydrocephalus, a brain  
9 injury was not the basis for the  
10 neurogenic bladder; is that correct?

11 A Yes.

12 Q When I look at your opinion  
13 on page 5 of your report, Dr. Knapp, it  
14 says the claimant's MRI of the brain  
15 showed bilateral periventricular and  
16 subcortical white matter changes.

17 Are you referring there to  
18 the CAT scan from January 2019 or to  
19 the CAT scan from 2014?

20 MS. ROBERTS: I am just going  
21 to object. I think it is  
22 misstating what the opinion  
23 states.

24 It doesn't talk about CAT  
25 scan, it says MRI.

1 Knapp

2 Q So what imaging are you  
3 referring to here?

4 A I am referring to the MRI of  
5 the brain.

6 Q And which MRI are you  
7 referring to?

8 A It doesn't specifically state  
9 which MRI.

10 Q Right.

11 And I am wondering if you can  
12 look at your report, and tell me which  
13 MRI you are referring to in this  
14 opinion section?

15 A I think I would have to go  
16 back to the medical records. I am not  
17 certain.

18 Q Well, I look at your report,  
19 and I see that you describe an MRI of  
20 the brain at Kenmore Mercy Hospital on  
21 January 28, 2014 with the same  
22 findings, which is what we just  
23 discussed as what you talk about in  
24 your opinion.

25 So are we talking about the

1 Knapp

2 same MRI?

3 A If that's the only one, then  
4 that must be.

5 Q If you wouldn't mind, Dr.  
6 Knapp, please look at page 4 of your  
7 report.

8 A Yes.

9 Q So on page 4 of your report,  
10 it says that he had an MRI of the brain  
11 at Kenmore Mercy Hospital 1/28/14 with  
12 certain findings, correct?

13 A Yes.

14 Q And then in your opinion, you  
15 say that on page 5, the claimant's MRI  
16 of the brain showed bilateral  
17 periventricular and other findings.

18 So are you referring in your  
19 opinion to that 2014 MRI?

20 A It must be.

21 Q So we already talked about  
22 the fact that the Kenmore January 2014  
23 MRI precedes the incident in question  
24 in this case which was September 14,  
25 2016, correct?

1 Knapp

2 A Yes.

3 Q So how would it be, how would  
4 it be helpful to look at an MRI taken  
5 of Mr. Raymond's brain in 2014 to  
6 determine whether his 2016 incident  
7 caused him brain damage?

8 A It would not.

9 However, if requested to do  
10 so, I would also testify that the  
11 subsequent CAT scans showed nothing  
12 that correlated with his symptoms.

13 Q Understood.

14 But just staying with this  
15 part of your opinion in paragraph 1 of  
16 your opinion, that MRI is really  
17 irrelevant to the question in this case  
18 of whether he sustained a TBI and a  
19 neurogenic bladder as a result of the  
20 9/14/16 incident.

21 Do you agree?

22 A Yes.

23 Q And the MRI from 2014,  
24 whatever its findings, it doesn't  
25 support or rule out that he suffered

1 Knapp

2 brain trauma in 2016, correct?

3 A Right.

4 Q So let's talk about the CAT  
5 scans.

6 So in paragraph 2 of your  
7 opinion on page 5, so actually, I'm  
8 sorry, just to go back to paragraph 1,  
9 so was it just an oversight on your  
10 part to include the information about  
11 the MRI in this section of the opinion?

12 A Yes.

13 MS. ROBERTS: Objection to  
14 form.

15 Q So going on to the CAT scan  
16 findings, you talk in paragraph 2 of  
17 your opinion about CT imaging of the  
18 cervical spine demonstrated no  
19 pathology to support this claim.

20 So looking at your report,  
21 are you speaking about this CT scan  
22 that you identified earlier as having  
23 been done at the Erie County Medical  
24 Center in January of 2019?

25 A I believe so, yes.



1 Knapp

2 Q Well, I want -- this is  
3 important to be precise about this,  
4 since part of your opinion rests on a  
5 conclusion about the imaging results.

6 So I just want to make sure  
7 that we are precise here.

8 What CAT scan imaging are you  
9 referring to in paragraph 2 of your  
10 opinion?

11 A He had had a CT imaging of  
12 the cervical spine at some point in his  
13 clinical course.

14 Q Right.

15 And I am asking you the date  
16 of this CT scan that you are referring  
17 to where you say that that CT scan  
18 demonstrated no pathology to support  
19 the claim.

20 Take your time, I know  
21 there's a long medical record, so  
22 please take your time.

23 I actually, well, I can tell  
24 you that I am looking at your report.

25 And I am looking at paragraph

1 Knapp

2 4 -- I'm sorry, page 4, the third full  
3 paragraph.

4 A Yes, it is, that's correct.

5 Q So that says that Mr. Raymond  
6 had a CT scan of the cervical spine on  
7 September 13, 2016, and that that study  
8 was unremarkable, correct?

9 A Yes.

10 Q And so that study was dated  
11 the day before this incident where he  
12 alleges he was assaulted, correct?

13 A Yes.

14 Q So that study wouldn't be  
15 helpful in determining whether the  
16 September 14th incident caused him  
17 brain damage, correct?

18 A Only by comparison to  
19 subsequent ones. But in general, you  
20 are correct.

21 Q It would be helpful to give a  
22 baseline, but it wouldn't show you any  
23 damage that had been incurred on  
24 September 14th, right?

25 A Yes.

1 Knapp

2 Q And then you say he had a CT  
3 scan of the cervical spine also  
4 April 1, 2020 from Kenmore Mercy  
5 Hospital, which was unremarkable?

6 A Yes.

7 Q Are those the two CT scans of  
8 the spine that you are referring to in  
9 paragraph 2 of your opinion where you  
10 say that the CT imaging of the cervical  
11 spine demonstrated no pathology to  
12 support the claim?

13 A Yes.

14 Q Are there any other CT scans  
15 that you are relying on for that part  
16 of your opinion?

17 A I don't recall.

18 Q Could you take a look at your  
19 report, just so that we have a full  
20 record, and let me know if there are  
21 any others. And please take your time.

22 A I do not see any others here.

23 Q Okay, thank you.

24 So just to close the loop on  
25 this, so when we were speaking earlier

1 Knapp  
2 about how you would have expected to  
3 see the brain abnormality of  
4 interhemispheric fissure or  
5 hydrocephalus, we are really talking  
6 about the CT scan on April 1, 2020,  
7 right?

8 A The brain you are speaking  
9 of?

10 Q Yes.

11 A And others, yes. He had had  
12 multiple CTs of the brain.

13 Q So I don't see a discussion,  
14 and I may be missing it.

15 But is there a discussion of  
16 what the findings of the CT brain scans  
17 show in the opinion section of your  
18 report?

19 A No.

20 Q So you would have expected to  
21 see changes that you described on a CT  
22 scan of the brain, but you don't  
23 discuss those, a brain CT scan at all  
24 in your report.

25 Am I confused?

1 Knapp

2 A No, you are not, no.

3 Q So how do you know that the  
4 CT scans of the brain didn't show the  
5 injuries that you say should have been  
6 present for somebody who had brain  
7 injury consistent with neurogenic  
8 bladder?

9 A Because I reviewed the  
10 reports of them.

11 Q Of what?

12 A The CAT scan to the brain  
13 following the injury.

14 Q And what CAT scan of the  
15 brain are you talking about?

16 A Well, as I mentioned, there  
17 are multiple CAT scans of the brain  
18 that he had following the injury.

19 Q I see.

20 A He had a CAT scan of the  
21 brain at Erie County Medical Center in  
22 2019 on page 3 that is referenced.

23 He had -- and he had a CAT  
24 scan prior to in 2015. So that CAT  
25 scan after the alleged assault would

1 Knapp

2 have been from January 2019.

3 Q So the part of your opinion  
4 that is saying that the imaging is not  
5 consistent or doesn't support a finding  
6 that brain injury caused his neurogenic  
7 bladder, is the January 2019 normal CAT  
8 scan at Erie County Medical Center?

9 A I don't know that it was  
10 normal, but it failed to show the  
11 findings expected if neurogenic bladder  
12 was suspect.

13 Q You don't reference this CT  
14 scan of the brain as supporting your  
15 opinion in your report, do you?

16 A No.

17 Q Why didn't you note this in  
18 your report?

19 A I should have.

20 Q Dr. Knapp, is it correct that  
21 neither you or Dr. Leitch believe that  
22 Mr. Raymond's neurogenic bladder was  
23 caused by a spinal cord injury?

24 A Correct.

25 Q So the issue of whether he

1 Knapp

2 had a spinal cord injury that caused  
3 his neurogenic bladder is not in  
4 dispute here; is that right?

5 A Apparently.

6 Q You understand Dr. Leitch's  
7 opinion to be that he had damaged his  
8 brain that caused the neurogenic  
9 bladder, correct?

10 A Yes.

11 Q And that's the piece of her  
12 opinion that you disagree with,  
13 correct?

14 A Yes.

15 Q So is the second -- and the  
16 same thing with lumbar injury.

17 Is it also correct that both,  
18 neither you nor Dr. Leitch believe that  
19 he suffered a lumbar injury that caused  
20 his neurogenic bladder?

21 A Yes.

22 Q So is the real dispute  
23 between you and Dr. Leitch, again, is  
24 about whether brain damage caused  
25 neurogenic bladder here, right?

1 Knapp

2 A Yes.

3 Q And so your opinion is that  
4 the evidence that it is not brain  
5 damage related neurogenic bladder comes  
6 from the normal brain CT scan done at  
7 Erie County Medical Center on --

8 MS. ROSENFELD: Well,  
9 withdrawn.

10 Q Your opinion that this is not  
11 a brain damage related neurogenic  
12 bladder is based on the lack of what  
13 you say would be expected findings on  
14 the 2019 Erie County CAT scan of the  
15 brain; is that correct?

16 A In part. The other part, of  
17 course, is the clinical examination.

18 Q Okay, I understand. I  
19 understand there is two parts. I just  
20 want to take them one at a time.

21 So first, just staying with  
22 the CT scan evidence that is the  
23 support for your opinion, so you don't  
24 mention in your report anything about  
25 interhemispheric fissure or



1 Knapp

2 hydrocephalus; is that correct?

3 A I simply state that the  
4 findings by imaging are not consistent  
5 with a diagnosis of brain based  
6 neurogenic bladder.

7 Q And in support of that, you  
8 only reference the MRI of the brain  
9 from 2014, right?

10 A Well, I reference the CAT  
11 scans of the body of my report of  
12 record of review, but not in the  
13 opinion section.

14 Q So we already agreed that the  
15 MRI from 2014 is not relevant to the  
16 question of whether he had brain damage  
17 due to neurogenic bladder, right?

18 MS. ROBERTS: Object to the  
19 form.

20 A Yes.

21 Q And we have talked about the  
22 2019 CAT scan as not showing what you  
23 would think should be there if he had  
24 brain damage induced neurogenic  
25 bladder, right?

1 Knapp

2 A Yes.

3 Q Is there any other imaging  
4 that you considered in forming your  
5 opinion that Mr. Raymond's neurogenic  
6 bladder is not related to the brain  
7 damage he alleges he sustained in  
8 September 2016?

9 A Not that I recall.

10 Q So is it your opinion that  
11 Mr. Raymond has, is that there is  
12 evidence that Mr. Raymond suffered a  
13 TBI at any time in his life?

14 MS. ROBERTS: Objection to  
15 form.

16 Are you asking for evidence  
17 or his opinion? I think he used  
18 both words.

19 MS. ROSENFELD: Okay, thank  
20 you. I will rephrase it.

21 Q Is it your opinion that  
22 Mr. Raymond has ever sustained a  
23 traumatic brain injury?

24 A Yes, the medical records  
25 speak to that.

1 Knapp

2 Q What is your opinion about  
3 when that traumatic brain injury  
4 occurred?

5 A I believe it was 2013.  
6 There's also an entry from Erie County  
7 Medical Center from 2019 indicating he  
8 had a brain injury 15 years prior.

9 Q Can you point me to the place  
10 in your report where the 2013 TBI  
11 incident is?

12 A It's 2012, and it is page 4,  
13 fourth paragraph.

14 Q Thank you.

15 So you are looking at this  
16 record that stated in 2012, he had an  
17 accident at work when a support beam  
18 hit his head resulting in coma for  
19 three days and subsequent seizures; is  
20 that correct?

21 A Yes.

22 Q It's not your opinion that  
23 this 2012 TBI caused the neurogenic  
24 bladder, is it?

25 A No.

1 Knapp

2 Q That's not your opinion,  
3 correct?

4 A That is correct.

5 Q So let's -- oh, actually let  
6 me ask you something else about this  
7 piece of your opinion.

8 So with respect to the issue  
9 of neurogenic bladder that is  
10 associated with brain injury, have you  
11 treated patients who suffered from  
12 neurogenic bladder as a result of brain  
13 injury?

14 A Yes.

15 Q What types of injuries did  
16 they have to their brains that caused  
17 the neurogenic bladder?

18 A Severe brain injuries.

19 Q What would be the mechanism  
20 of those injuries?

21 A Trauma.

22 Q What is trauma?

23 MS. ROBERTS: Objection to  
24 form.

25 MS. ROSENFELD: Well,

1 Knapp

2 withdrawn.

3 Q Trauma has a definition as a  
4 medical term, correct?

5 A Well, trauma is basically a  
6 force directed to tissue.

7 Q So you have patients that  
8 sustained a neurogenic bladder as a  
9 result of a brain injury that was  
10 forced directed to tissue?

11 A Brain trauma related to an  
12 impact.

13 Q And in those patients --  
14 MS. ROSENFELD: Withdrawn.

15 Q Do you have patients who  
16 developed neurogenic bladder  
17 spontaneously?

18 A No.

19 Q Would you agree that it's  
20 extremely rare for neurogenic bladder  
21 to develop spontaneously?

22 A Yes, but not impossible.

23 Q You don't have any patients  
24 in your 31 years of practice who that's  
25 happened to?

1 Knapp

2 A Correct. They are referred  
3 to a urologist for that problem.  
4 Hence, I wouldn't see them.

5 Q Well, why would you see  
6 patients who had neurogenic bladder  
7 caused by brain injury, but not  
8 patients with neurogenic bladder that  
9 occurred spontaneously?

10 A Because patients with  
11 traumatic brain injury have findings  
12 and neurologic issues other than the  
13 neurogenic bladder.

14 Q So is it your opinion that  
15 Mr. Raymond doesn't have any findings  
16 on exam that are consistent with  
17 traumatic brain injury?

18 A Not to the extent that they  
19 would be required for the diagnosis of  
20 brain based neurogenic bladder. And I  
21 outline those in my report.

22 Q So let's turn to that. So we  
23 are looking at page 5 of your opinion.  
24 So you say, and I'm looking at, I am  
25 looking at the list of findings.

1 Knapp

2 So one finding you mentioned  
3 is lower extremity spasticity, correct?

4 A Yes.

5 Q And so that is one of the  
6 findings that you would expect to see  
7 in a person who had brain based  
8 neurogenic bladder?

9 A Yes.

10 Q You list 1, 2, 3.

11 Well, you also list Babinski  
12 signs; is that right?

13 A Yes.

14 Q What's a Babinski sign?

15 A When you scratch the bottom  
16 of somebody's foot, there is a rapid  
17 withdrawal response with the toe  
18 pointing upward, which is indicative of  
19 damage to the brain or spinal cord.

20 Q And I don't think I asked  
21 you.

22 What is lower extremity  
23 spasticity?

24 A It would be stiffness,  
25 tightness, spastic tone in the legs.

1 Knapp

2 Q And then another finding that  
3 you say is missing that would support a  
4 brain based neurogenic bladder finding  
5 is weakness or other signs of  
6 neurologic abnormality; is that  
7 correct?

8 A Yes.

9 Q Weakness to what part of the  
10 body?

11 A Well, that would be arms and  
12 legs, chiefly legs.

13 Q And what did you mean when  
14 you said other signs of neurologic  
15 abnormality?

16 A Sensory loss would also be  
17 expected.

18 The other sign that is absent  
19 in this case is chronic problems with  
20 chronic constipation as well as loss of  
21 sexual function.

22 Q Sensory loss to which parts  
23 of the body would be a finding that you  
24 would expect to see?

25 A Legs.



1 Knapp

2 Q Are these neurologic  
3 findings, findings that support a  
4 diagnosis of TBI or something else?

5 A TBI as well as other  
6 conditions.

7 Q So can you just explain, when  
8 you say the absence of these symptoms  
9 precludes in your view of finding a  
10 brain based neurogenic bladder, what is  
11 it about these specific symptoms that  
12 make you say that?

13 A Because in order to have a  
14 neurogenic bladder on the basis of  
15 brain trauma, the trauma has to be  
16 massive, significant, moderate to  
17 severe brain injury.

18 And in order to have a  
19 neurogenic bladder, it is my opinion  
20 that the absence of spasticity  
21 weakness, Babinski signs rules that  
22 out.

23 In other words, isolated  
24 neurogenic bladder with no other  
25 findings in the setting of brain trauma

1 Knapp

2 is not a possibility.

3 Q So you reviewed Dr. Leitch's  
4 report, correct?

5 A Yes.

6 Q And you reviewed the portion  
7 of her report where she discussed her  
8 visible examination of Mr. Raymond,  
9 correct?

10 A Yes.

11 Q Is it your opinion that Dr.  
12 Leitch conducted a adequate examination  
13 of Mr. Raymond?

14 A Yes.

15 Q Do you know Dr. Leitch?

16 A No.

17 Q And in her opinion, Dr.  
18 Leitch talks about the fact that  
19 Mr. Raymond complained of headache,  
20 personality changes, sleep problems,  
21 lightheadedness, increased seizure  
22 activity.

23 Is it your opinion that those  
24 findings by Dr. Leitch cannot support  
25 the conclusion of brain based

1 Knapp

2 neurogenic bladder?

3 A They are not consistent with  
4 it.

5 Q Those findings of Dr. Leitch  
6 are consistent with traumatic brain  
7 injury, correct?

8 A They are symptoms, they are  
9 not findings. But yes, that is true.  
10 The lightheadedness and  
11 personality changes can be sequela of  
12 brain injury.

13 Q So we talked about the fact  
14 that you don't believe that Mr.  
15 Raymond's neurogenic bladder was caused  
16 by a brain injury, right?

17 A Correct.

18 Q And there's no evidence that  
19 it was caused by a spinal cord injury,  
20 correct?

21 A Correct.

22 Q And it's extremely rare for  
23 someone to spontaneously develop  
24 neurogenic bladder, correct?

25 A Yes.

1 Knapp

2 Q What are the other causes of  
3 neurogenic bladder that you think  
4 should be considered here for Mr.  
5 Raymond, given your opinion that it's  
6 not a brain or spinal based injury?

7 A He could have an autonomic  
8 neuropathy, which was never really  
9 worked up as a possibility. He could  
10 have peripheral neuropathy as well.

11 So there are other  
12 explanations that were not explored  
13 that would require a proper history,  
14 and a proper evaluation.

15 Q What about Dr. Leitch's  
16 history and evaluation was not  
17 sufficient to make findings of  
18 autonomic neuropathy or peripheral  
19 neuropathy?

20 A I'm sorry, could you repeat  
21 that.

22 Q Sure.

23 Dr. Leitch took a history and  
24 conducted an evaluation, correct?

25 A Yes.

1 Knapp

2 Q Well, what is insufficient  
3 about Dr. Leitch's history and  
4 evaluation to rule out autonomic  
5 neuropathy or peripheral neuropathy?

6 A He, to the best of my  
7 knowledge, did not have the proper  
8 blood work to rule it out, or nerve  
9 conduction testing or autonomic  
10 testing.

11 Q So what is autonomic  
12 neuropathy?

13 A It is abnormalities of the  
14 autonomic nervous system.

15 Q And how is it diagnosed?

16 A By nerve conduction studies  
17 and blood work, and a clinical history  
18 and examination.

19 Q What would you be looking for  
20 on a clinical history to make that  
21 diagnosis?

22 A Other -- well, symptoms of  
23 autonomic disfunction.

24 Q Which would be what?

25 A Abnormalities of automatic

1 Knapp

2 function, hence autonomic.

3 And they would be bladder  
4 abnormalities, bowel disfunction,  
5 sweating abnormalities, salivation  
6 abnormalities, et cetera.

7 Q Did you see any evidence in  
8 the medical records you reviewed of  
9 Mr. Raymond reporting any of those  
10 symptoms?

11 A No.

12 Q But it's your view that a  
13 diagnosis or an evaluation for that  
14 condition is warranted, even though he  
15 doesn't report any of the symptoms you  
16 just described such as salivation, bowel  
17 disfunction, or abnormality of  
18 automatic function.

19 A Again, I have not had the  
20 opportunity to treat him, evaluate him  
21 as a treating physician. So I can't  
22 really answer that question.

23 Q I understand.

24 But you did offer an opinion  
25 in this case about the injury, and what

1 Knapp

2 injury caused or didn't cause  
3 neurogenic bladder.

4 So I think it's fair to ask  
5 you about what else could have caused  
6 it, which is my intention here.

7 So autonomic neuropathy and  
8 peripheral neuropathy, that's one  
9 possibility that you have identified,  
10 correct?

11 A Yes.

12 Q But you have agreed that  
13 there is no evidence of the symptoms of  
14 autonomic neuropathy in the medical  
15 records you reviewed, correct?

16 A Yes.

17 Q What are the other symptoms  
18 of neurogenic bladder -- I'm sorry,  
19 what are the other causes of neurogenic  
20 bladder that you think should be  
21 considered here?

22 A He could have and should have  
23 had a proper imaging of his entire  
24 spinal cord. He had a CAT scan of the  
25 cervical spine.

1 Knapp

2 He should have had an MRI of  
3 the cervical spine and the thoracic  
4 spine as part of a proper workup.

5 Q And what would that imaging  
6 have shown?

7 MS. ROBERTS: Objection,  
8 calls for speculation.

9 Q Well, why in trying to  
10 determine the cause of the neurogenic  
11 bladder would you recommend someone  
12 have an MRI of the full spine and  
13 thoracic spine?

14 A Because there are certain  
15 structural abnormalities that could  
16 exist to explain it.

17 Q Well, you did mention that he  
18 had a full, he had a --

19 MS. ROSENFELD: Withdrawn.

20 Q He had a cervical spine CAT  
21 scan in 2016 before the incident, which  
22 was unremarkable, correct?

23 A Yes.

24 Q So if there were structural  
25 abnormalities that caused the



1 Knapp

2 neurogenic bladder, would those have  
3 been apparent on that CAT scan?

4 A No.

5 Q Why not?

6 A Because the ability to image  
7 the inside of the spinal cord is very  
8 limited by CAT scan.

9 Q So it is your testimony that  
10 an MRI of his thoracic and full spine  
11 might show structural abnormalities  
12 that caused his neurogenic bladder?

13 A Yes.

14 Q What other findings would  
15 need to be present other than looking  
16 at the MRI of the spine and thoracic  
17 spine to connect the structural  
18 abnormality like that with neurogenic  
19 bladder?

20 I think you froze, Dr. Knapp.

21 A As far as --

22 Q I am sorry, Dr. Knapp. You  
23 froze, so we didn't hear your answer to  
24 the question. And actually, you still  
25 are frozen.

1 Knapp

2 It says that your band width  
3 is low.

4 MS. ROSENFELD: Let's go off  
5 the record.

6 (Discussion off the record.)

7 Q Dr. Knapp, how does the  
8 temporal development of Mr. Raymond's  
9 neurogenic bladder impact your opinion  
10 in this case?

11 A Neurologic injuries cause  
12 symptoms immediately upon injury, and  
13 are not delayed.

14 Q So your opinion is how long  
15 after the incident where Mr. Raymond  
16 alleges that he was struck in the head  
17 and neck, would you have expected him  
18 to start showing symptoms of the  
19 bladder problems?

20 A Immediately.

21 Q Is it possible for people to  
22 develop symptoms in a more gradual way  
23 after sustaining a brain injury?

24 A That is unusual as the  
25 findings are maximum upon injury, and

1 Knapp

2 improve in time, quite the opposite for  
3 what you are proposing.

4 Q So your view is that if he  
5 had a brain based neurogenic bladder,  
6 he should have shown which symptoms  
7 immediately?

8 A Well, he would have had to  
9 have not the incontinence immediately  
10 as well as the other usual findings  
11 that are accompanied by traumatic brain  
12 injury, which we have reviewed.

13 Q I'm sorry, did you say he  
14 would have had incontinence  
15 immediately?

16 A Well, neurogenic bladder.

17 Q In your report, you note that  
18 on September 15, 2016, the day after  
19 the incident, that Mr. Raymond reported  
20 that he was unable to urinate, correct?

21 A Yes.

22 Q Is that a symptom of  
23 neurogenic bladder brain based injury  
24 causing neurogenic bladder?

25 A It is a symptom of a

1 Knapp

2 neurogenic bladder, yes.

3 Q And that was a symptom that  
4 he reported the day after this  
5 incident, correct?

6 A Yes.

7 Q Dr. Knapp, is it your opinion  
8 that Mr. Raymond sustained a traumatic  
9 brain injury on September 14, 2016?

10 A I have no knowledge of that.

11 Q So you have no opinion on  
12 that one way or the other?

13 A Correct.

14 Q Dr. Knapp, can substance  
15 abuse cause somebody to develop  
16 neurogenic bladder?

17 A Alcohol abuse can. To my  
18 knowledge, the others cannot.

19 Q Can abusing cocaine cause  
20 somebody to develop neurogenic bladder?

21 A Not to my knowledge, unless  
22 it causes stroke.

23 Q And what about heroin, can  
24 using heroine cause somebody to develop  
25 neurogenic bladder?

1 Knapp

2 A Not to my knowledge.

3 Q What about marijuana, can  
4 using marijuana cause somebody to  
5 develop neurogenic bladder?

6 A Not to my knowledge.

7 Q So is it your opinion that  
8 attributing Mr. Raymond's neurogenic  
9 bladder to his abuse of those  
10 substances would not be a correct  
11 diagnosis?

12 MS. ROBERTS: Objection to  
13 form.

14 A Correct.

15 Q You don't agree that  
16 substance abuse caused Mr. Raymond to  
17 develop neurogenic bladder, correct?

18 MS. ROBERTS: Objection to  
19 form.

20 A Yes.

21 Q So if somebody said that they  
22 thought the most likely explanation for  
23 Mr. Raymond's neurogenic bladder was  
24 his substance abuse, would you disagree  
25 with that?

1 Knapp

2 MS. ROBERTS: Objection to  
3 form.

4 A Yes.

5 Q Is it correct that  
6 Mr. Raymond's 2012 traumatic brain  
7 injury and his epilepsy diagnosis  
8 predisposed him to develop further  
9 brain injury?

10 A I do not have the records to  
11 review that to answer that question.

12 Q What about as a general  
13 principal, does a prior history of  
14 traumatic brain injury increase one's  
15 susceptibility to future brain injury?

16 A It depends on the severity,  
17 and the number of previous injuries.

18 Q Are there circumstances where  
19 people who do have prior brain injuries  
20 are more vulnerable to developing  
21 future brain injuries?

22 A Yes.

23 Q Is increased seizure activity  
24 a finding, a symptom that you would  
25 associate with a traumatic brain

1 Knapp

2 injury?

3 A Depending on the degree.

4 Q It could be? Is that your  
5 opinion?

6 A Yes.

7 Q Dr. Knapp, if you could just  
8 look at your report at page 1, please.

9 A Okay, yes.

10 Q So I'm looking at the last  
11 full paragraph of page 1.

12 A Okay.

13 Q And you note here that there  
14 is a description of a seizure which  
15 occurred during transport back to the  
16 facility from the hospital, stating  
17 that the claimant's left head made  
18 contact with the floor several times  
19 during a seizure, correct?

20 A Yes.

21 Q Is it your opinion that  
22 Mr. Raymond suffered an injury during  
23 that transport, which caused him to  
24 develop neurogenic bladder?

25 A That description would not be

1 Knapp

2 adequate to cause that.

3 Q You also note at paragraph,  
4 on page 4 of your report that  
5 Mr. Raymond had an Indiana pouch in  
6 2020, and has been managed medically  
7 with oxybutynin.

8 Do you see that page of your  
9 report?

10 A Yes.

11 Q Are you referring to the,  
12 does the Indiana pouch, does that refer  
13 to the bladder augmentation surgery  
14 that Mr. Raymond had?

15 A Yes.

16 Q So he had a, essentially an  
17 artificial bladder constructed; is that  
18 correct?

19 A That is my understanding.

20 Q And then if you look up on  
21 that page where you talk about  
22 Mr. Raymond's transcript, you note in  
23 here that Mr. Raymond stated that he  
24 had trouble walking occasionally,  
25 particularly with his right leg.



1 Knapp

2 Do you see that?

3 A Yes.

4 Q Is that a symptom of lower  
5 body weakness?

6 A Not necessarily. Not without  
7 the finding of that on examination.

8 MS. ROSENFELD: Let's take a  
9 short break. We will take a  
10 10-minute break. It's 11:33,  
11 let's come back at 11:43.

12 I don't have that many more  
13 questions, but I want to take a  
14 look at my notes.

15 (A brief recess was taken.)

16 Q Dr. Knapp, you state in your  
17 opinion section of your report that the  
18 conclusion that the claimant has a  
19 neurogenic bladder requires a proper  
20 neurologic diagnosis, and a  
21 localization in the nervous system on  
22 which to base that claim.

23 You agree that Mr. Raymond  
24 has neurogenic bladder, correct?

25 A Yes.

1 Knapp

2 Q I see, okay.

3 So this sentence is really  
4 talking about the claim that he has a  
5 brain based injury that caused a  
6 neurogenic bladder; is that right?

7 A Yes. Neurogenic bladder  
8 would be like saying that somebody's  
9 diagnosis is cough.

10 Well, the cough isn't a  
11 diagnosis. It is a symptom that  
12 requires a cause.

13 Q And what do you mean when you  
14 say, what is a localization in the  
15 nervous system?

16 A What we have been talking  
17 about.

18 In other words, a neurogenic  
19 bladder can be caused by various brain  
20 diseases, spinal cord diseases,  
21 cervical, thoracic, lumbar spine  
22 diseases, as well as other diseases of  
23 the peripheral nervous system.

24 So one needs to localize  
25 where the problem lies.

1 Knapp

2 Q But for a neurogenic bladder  
3 that is caused by a brain based injury,  
4 what would be the localization in the  
5 nervous system that you would expect to  
6 see?

7 A As we have stated, it  
8 involves abnormalities of the  
9 interhemispheric fissure or  
10 hydrocephalus.

11 Q Okay, so is it your testimony  
12 that in order to diagnose somebody with  
13 neurogenic bladder resulting from a  
14 brain injury, they must show those  
15 findings on imaging?

16 A That, and the clinical  
17 findings we have already discussed.

18 Q So both of those, both the  
19 imaging must show the kind of damage  
20 that you have described, and the  
21 clinical findings must be as you have  
22 described in order to sustain a  
23 diagnosis of brain based neurogenic  
24 bladder; is that correct?

25 A Yes.

1 Knapp

2 Q Are there patients who suffer  
3 from a brain based neurogenic bladder  
4 who don't have those findings on  
5 imaging?

6 A Not that I am aware of.

7 Q So in every case for someone  
8 who has a brain injury develops  
9 neurogenic bladder, their imaging would  
10 show the interhemispheric fissure or  
11 hydrocephalus?

12 A No, there would be others.

13 In patients with that massive  
14 brain trauma, with massive damage to  
15 the cortex, scarring of the brain,  
16 atrophy of the brain.

17 These would also be imaging  
18 elements that would be consistent with  
19 a brain based neurogenic bladder.

20 Q Well, let's just take an  
21 example.

22 For somebody who fell off a  
23 ladder and sustained a head injury and  
24 developed neurogenic bladder, what  
25 brain findings on imaging would you be

1 Knapp

2 expecting to find?

3 A The ones that I just  
4 mentioned, intracerebral hemorrhages,  
5 bruising of the brain, skull fractures,  
6 shrinkage of the brain, scarring of the  
7 brain.

8 So those would be the images  
9 that I would anticipate to be necessary  
10 for brain trauma to cause neurogenic  
11 bladder, intracerebral hemorrhage,  
12 evidence of brain bruising, skull  
13 fracture, scarring, shrinkage of the  
14 brain.

15 Q And so it is your testimony  
16 that those kinds of findings on imaging  
17 are prerequisite to conclude that  
18 somebody suffered neurogenic bladder  
19 from a brain injury; is that correct?

20 A For brain trauma, yes.

21 Q You talked a little bit about  
22 how you would expect somebody who had a  
23 neurogenic bladder from a brain trauma  
24 to show sensation loss in their lower  
25 body, and their legs.

1 Knapp

2 Am I stating that correctly?

3 A Right, yes.

4 Q If you look at paragraph 3 of  
5 your report, please, there's a  
6 reference to a neurological consult in  
7 May of 2018 with Dr. Hein. That's the  
8 first full paragraph.

9 A Yes.

10 Q She found that Mr. Raymond  
11 had residual lower extremity weakness  
12 after spinal injuries sustained  
13 September 2016 during an assault.

14 Is that the kind of lower  
15 extremity weakness that you would  
16 expect to find in somebody who had a  
17 traumatic brain injury?

18 A It certainly, as I have  
19 mentioned, is one of the elements I  
20 would expect.

21 I don't know if she was  
22 commenting as far as that being a  
23 symptom on the part of Mr. Raymond or  
24 whether she found weakness.

25 But all I can do is tell you

1 Knapp

2 that I did not find any weakness.

3 Q Well, you didn't examine him,  
4 correct?

5 A Well, I didn't find weakness  
6 in any other entry in the record.

7 Q But this is a record entry  
8 from 2018 by a neurologist who is  
9 finding weakness in the lower  
10 extremity, correct?

11 A Again, I am not sure she  
12 demonstrated weakness on examination,  
13 or whether she was saying he said he  
14 had weakness.

15 In other words, I am not  
16 certain if it was a historical allusion  
17 or a physical finding.

18 Q And in either case, if he  
19 reported it or if she personally  
20 observed it, that would be a report of  
21 lower extremity weakness, correct?

22 A It is a report of, yes.

23 Q And then again, I look and  
24 see Dr. Butsch three paragraphs down  
25 who says on June 10, 2018, that he had

1 Knapp

2 a spinal cord injury with trouble  
3 moving his bowels, issues with his  
4 legs, and some lower extremity  
5 sensation.

6 Is that another report of  
7 either Mr. Raymond reporting, or a  
8 doctor finding problems with  
9 Mr. Raymond's lower extremities?

10 A It looks to be a report.

11 Q Dr. Knapp, do you have copies  
12 of the expert reports that you  
13 submitted in the other cases where you  
14 testified relating to Department of  
15 Corrections cases?

16 A No, I do not.

17 Q And just to make sure that  
18 the record is clear, you disagree with  
19 the conclusion that the substance abuse  
20 by Mr. Raymond is the most likely  
21 explanation for the neurogenic bladder,  
22 correct?

23 A Yes.

24 MS. ROSENFELD: I don't have  
25 any other questions at this time.



1 Knapp

2 I probably will follow up  
3 with your counsel to request  
4 copies of the reports from other  
5 cases.

6 But if you don't have them, I  
7 will address that with your  
8 counsel.

9 THE WITNESS: Very good.

10 MS. ROSENFELD: Great, thanks  
11 for your time. I appreciate it.

12 THE REPORTER: Hi, this is  
13 the court reporter.

14 I just need to ask if anyone  
15 would like to purchase a copy, and  
16 if there is a read and sign.

17 MS. ROSENFELD: Well, I want  
18 a copy, and I want to give the  
19 witness a copy to read and sign.

20 MS. ROBERTS: Which means I  
21 need to have the witness copy come  
22 to me, and then I will get it to  
23 Dr. Knapp.

24 (Time noted: 11:56 a.m.)

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A C K N O W L E D G M E N T

[illegible]

I, DR. ROBERT KNAPP, hereby certify, I have read the transcript of my testimony taken under oath in my deposition of April 13, 2022; that the transcript is a true, complete and correct record of what was asked, answered and said during this deposition, and that the answers on the record as given by me are true and correct.

DR. ROBERT KNAPP

Subscribed and sworn to  
before me this \_\_\_\_ day  
of \_\_\_\_\_ 2022.

Notary Public

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C E R T I F I C A T I O N

[illegible]

I, SUSAN I. HISLER, a Shorthand Reporter and  
Notary Public for and within the State of New York,  
do hereby certify:

That DR. ROBERT KNAPP, the witness whose examination is hereinbefore set forth, was duly sworn by me and that this transcript of such examination is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 19th day of April, 2022.

SUSAN I. HISLER

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